

REMARKS

As best understood, in the outstanding Office Action, claims 1-4 were rejected under 35 U.S.C. §103(a) over HIGUCHI et al. (U.S. Patent Application Publication No. 2001/0022612) in view of NAKASHIMA et al. (U.S. Patent Application Publication No. 2001/0015754). Claims 5-9 and 13 were rejected under 35 U.S.C. §103(a) over HIGUCHI in view of NAKASHIMA, and further in view of WADA (U.S. Patent No. 7,053,926). Claims 10-12 were rejected under 35 U.S.C. §103(a) over HIGUCHI in view of ADAIR (U.S. Patent Application Publication No. 2006/0022234). Claim 13 was rejected under 35 U.S.C. §103(a) over NAKASHIMA in view of HIGUCHI.

Initially, Applicant would like to thank the Examiner for her courtesy in conducting a telephone interview with Applicant's representative, Joshua M. Povsner, on October 28, 2008. In the telephone interview, Applicant's representative and the Examiner discussed features of previous claim 1, including: a digitized information outputting system that outputs digitized information representing at least information intrinsic to the electronic endoscope and control information for the processor; and a digitized information superimposing system that superimposes the digitized information output by the digitized information outputting system on the digital video signal output by the signal processing circuit in the region included in the horizontal blanking interval.

Applicant's representative explained that the documents applied in the Office Action do not individually or together disclose that an output of digitized information representing control information for a processor is superimposed on a digital video signal in a region included in a horizontal blanking interval. The Examiner indicated that "digitized information" and the "control information" in claim 1 have been interpreted

broadly in the outstanding Office Action, and pointed to paragraphs 10 and 57 of NAKASHIMA as disclosing that digitized information output by a digitized information outputting system is superimposed on the digital video signal in a horizontal blanking interval as in claim 1. In the discussion, the Examiner indicated that information superimposed according to previous claim 1 may be read as merely including the “information intrinsic to the electronic endoscope” as in claim 1, and that this would then read on character data as in paragraph 57 of NAKASHIMA. The Examiner further indicated that the nature of the control information for a processor in claim 1 could be clarified to further define the claimed invention.

Applicant traverses the rejections of claims 1-13 under 35 U.S.C. §103. Upon entry of the present amendment, claims 1 and 13 will have been amended to include substantially all of the features previously recited in claim 5. Claim 1 will also have been amended to more explicitly recite that the digitized information superimposed on a video signal includes the control information for the processor. Claim 13 will also have been amended to more clearly recite the features contained therein. Claim 5 will have been cancelled without prejudice to or disclaimer of the subject matter recited therein, and the dependency of claim 6 will have been corrected in light of the cancellation of claim 5.

According to claims 1 and 13, control information for the processor is superimposed on the digital video signal in response to an operation of at least one operable member. The control information for the processor is superimposed on the digital video signal in a region included in the horizontal blanking interval to control the processor. The documents applied in the Office Action do not disclose that such control information for a processor is superimposed on a digital video signal in a region included

in the horizontal blanking interval. That is, neither HIGUCHI, NAKASHIMA, WADA or ADAIR discloses that control information for a processor is superimposed on a digital video signal in a region included in a horizontal blanking interval.

For example, paragraph [0057] of NAKASHIMA as discussed in the telephone interview discloses:

*[0057] The character generator (image masking device) 64 constantly generates the image masking signal which masks the periphery of the endoscopic image picked-up (i.e., converted into a video signal) by the image pickup portion 40. When all of the switches 31c through 31f are OFF, only the image masking signal is generated, so that a character pattern shown in FIG. 5A is displayed. When any one of the switches 31c through 31f are turned ON, the changed video setting/transmission frequency data is supplied from the microcomputer 60, and the character generator 64 generates an information signal corresponding to the changed video setting/transmission frequency data together with the image masking signal. The information signal is composed of a character signal (character pattern) which represents the video setting/transmission frequency data which is changed by the switches 31c through 31f. In the illustrated embodiment, as can be seen in FIG. 3, the character pattern is generated for each horizontal scanning line, so that a line of figures/letters is formed by 7 horizontal scanning lines. The image masking signal and the information signal, generated by the character generator 64 are output in accordance with the synchronization signal from the timing generator 41 and are added to the video signal by the adder 61 and supplied to the modulator/transmitter 50.*

As described in paragraph [0057] of NAKASHIMA, the information signal is composed of a character signal (character pattern) which represents the video setting/transmission frequency data which is changed by the switches 31c through 31f. One of ordinary skill in the art would not interpret this information signal in NAKASHIMA as the control signal recited in claims 1 and 13, and no document applied in the Office Action discloses superimposing such control information for a processor on a digital video signal in a region included in the horizontal blanking interval, let alone control information that is superimposed in this manner in response to an operation of the

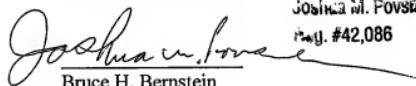
at least one operable member. Therefore, no combination of the documents applied in the Office Action would result in the features of claims 1 and 13.

Accordingly, independent claims 1 and 13 are allowable over the documents applied in the Office Action, whether these documents are applied alone or in any proper combination. Dependent claims 2-4 and 6-12 are allowable over these documents at least for depending, directly or indirectly, from an allowable independent claim, as well as for additional reasons related to their own recitations. Therefore, reconsideration and withdrawal of each of the outstanding rejections is respectfully requested.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully Submitted,  
Akihiro TAKAHASHI

  
Bruce H. Bernstein  
Reg. No. 29,027

Joshua M. Povsner  
Reg. #42,086

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GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191